

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ERIC GUNTHER, individually and on behalf of all others similarly situated, Plaintiff, v. CAPITAL ONE, N.A. d/b/a CAPITAL ONE BANK and CAPITAL ONE FINANCIAL CORPORATION, Defendants.	Civil Action No. 09-2966- ADS-AKT IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y. ★ 2010 ★ LONG ISLAND OFFICE
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ORDER TO SHOW CAUSE

ADS
USDF { Upon the Declaration of Paul C. Whalen, sworn to on December 16, 2010, it is
ORDERED, that Joseph S. Tusa of Whalen & Tusa, P.C., counsel in the above named action,
appear before this Court, at Room 1020, United States Courthouse, 100 Federal Plaza, Central
Islip, New York, on December 22, 2010 at 10 o'clock in the forenoon thereof, or as soon
thereafter as counsel may be heard, why an order should not be issued ordering the Class
Administrator, Rust Associates, not to distribute any attorneys' fees and costs to Joseph S. Tusa
and instead to hold those amounts in escrow until a final dissolution of Whalen & Tusa, P.C.;
and it is further ORDERED that a copy of this order, together with the papers upon which it is
granted, be personally served upon Joseph S. Tusa on or before December 20, 2010, by 5 PM
and that such service be deemed good and sufficient.

ADS
USDF {

Dated: Manhasset, New York
December 16, 2010

WHALEN & TUSA, P.C.

\s\ Paul C. Whalen
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Attorneys for Stipulated Class

William R. Gunther
U.S.D.J.

12/18/10
2:00 PM